

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 114

## **SENATE BILL 1305**

AN ACT

AMENDING TITLE 20, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-121; AMENDING SECTION 35-196.02, ARIZONA REVISED STATUTES; RELATING TO COVERAGE FOR ABORTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 1, article 1, Arizona Revised Statutes,  
3 is amended by adding section 20-121, to read:

4 20-121. State health care exchange: abortion coverage;  
5 prohibition; exceptions

6 A. CONSISTENT WITH THE PROVISIONS OF THE PATIENT PROTECTION AND  
7 AFFORDABLE CARE ACT (P.L. 111-148), ANY QUALIFIED HEALTH INSURANCE POLICY,  
8 CONTRACT OR PLAN OFFERED THROUGH ANY STATE HEALTH CARE EXCHANGE ESTABLISHED  
9 IN THIS STATE SHALL NOT PROVIDE COVERAGE FOR ABORTIONS UNLESS THE COVERAGE IS  
10 OFFERED AS A SEPARATE OPTIONAL RIDER FOR WHICH AN ADDITIONAL INSURANCE  
11 PREMIUM IS CHARGED.

12 B. SUBSECTION A DOES NOT APPLY TO COVERAGE FOR ANY ABORTION THAT IS  
13 NECESSARY TO EITHER:

14 1. SAVE THE LIFE OF THE WOMAN HAVING THE ABORTION.

15 2. AVERT SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY  
16 FUNCTION OF THE WOMAN HAVING THE ABORTION.

17 Sec. 2. Section 35-196.02, Arizona Revised Statutes, is amended to  
18 read:

19 35-196.02. Use of public funds or insurance for abortion  
20 prohibited; exception

21 A. Notwithstanding any provisions of law to the contrary, no public  
22 funds nor tax monies of this state or any political subdivision of this state  
23 nor any federal funds passing through the state treasury or the treasury of  
24 any political subdivision of this state may be expended for payment to any  
25 person or entity for the performance of any abortion unless an abortion is  
26 necessary to save the life of the woman having the abortion.

27 B. NOTWITHSTANDING ANY OTHER LAW, PUBLIC MONIES OR TAX MONIES OF THIS  
28 STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE SHALL NOT BE EXPENDED  
29 DIRECTLY OR INDIRECTLY TO PAY THE COSTS, PREMIUMS OR CHARGES ASSOCIATED WITH  
30 A HEALTH INSURANCE POLICY, CONTRACT OR PLAN THAT PROVIDES COVERAGE, BENEFITS  
31 OR SERVICES RELATED TO THE PERFORMANCE OF ANY ABORTION UNLESS AN ABORTION IS  
32 NECESSARY TO EITHER:

33 1. SAVE THE LIFE OF THE WOMAN HAVING THE ABORTION.

34 2. AVERT SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY  
35 FUNCTION OF THE WOMAN HAVING THE ABORTION.

36 C. THIS SECTION DOES NOT PROHIBIT THE STATE FROM COMPLYING WITH THE  
37 REQUIREMENTS OF FEDERAL LAW IN TITLE XIX AND TITLE XXI OF THE SOCIAL SECURITY  
38 ACT.

39 Sec. 3. Interpretation

40 Nothing in this act shall be construed or implied to recognize any  
41 independent right to abortion under the Constitution of Arizona or the laws  
42 of this state, nor shall it be construed or implied to recognize the  
43 constitutional validity of the patient protection and affordable care act  
44 (P.L. 111-148).

APPROVED BY THE GOVERNOR APRIL 24, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2010.